

Attorney Docket No. P13966-US2
Customer Number 27045

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicants have amended claims 1, 10, 15, 19, 20, 25, 26, 33, 41, and 54. Claims 12 and 39 were previously canceled. Accordingly, claims 1-11, 13-38, and 40-57 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 103(a)

In paragraph 2 of the Office Action, the Examiner rejected claims 1-3, 5, 6, 8, 19, 21, 24-26, 28-33, 35-37, 47-51 and 53-55 under 35 U.S.C. § 103(a) as being unpatentable over Hunzinger, et al. (US 6,748,217) in view of Feder, et al. (US 6,552,881). The Applicants have amended the claims to better distinguish the claimed invention from Hunzinger and Feder. The Examiner's approval of the amended claims is respectfully requested.

Independent claims 1 and 33 have been amended to recite that the selection of the access point also considers the cost of using the access point. Thus, the selection considers not only the capability of each access point to meet the quality of service requirements and connection transport requirements of a service and application requested by the communication device, but also the cost of using each access point, and selects an access point based on low cost and capabilities meeting the combined requirements of the communication device. Applicant can find no teaching or suggestion in either Hunzinger or Feder of a selection method or system such as that recited in amended claims 1 and 33. Basis for the amendment is found in the originally filed specification on page 5, paragraph [0012]. Therefore, the withdrawal of the rejection and the allowance of claims 1 and 33 are respectfully requested.

Claims 2, 3, 5, 6, 8, 19, 21, 24-26, and 28-32 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Likewise, claims 35-37, 47-51 and 53-55 depend from amended claim 33 and recite further limitations in combination with the novel elements of claim 33. Therefore, the allowance

Attorney Docket No. P13966-US2
Customer Number 27045

of claims 2, 3, 5, 6, 8, 19, 21, 24-26, 28-33, 35-37, 47-51 and 53-55 is respectfully requested.

In paragraph 19 of the Office Action, the Examiner rejected claims 4, 7, 9, 20, 22 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Hunzinger in view of Feder, and further in view of Harris, et al. (US 6,331,972). The Examiner cited Harris for disclosing an access method in a personal area network. However, the combination of Hunzinger, Feder and Harris still fails to teach or suggest the invention as recited in amended independent claims 1 and 33, wherein both cost and capabilities to meet the communication device's combined requirements are considered in the access point selection. Claims 4, 7, 9, 20, and 22 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Likewise, claim 34 depends from amended claim 33 and recites further limitations in combination with the novel elements of claim 33. Therefore, the allowance of claims 4, 7, 9, 20, 22 and 34 is respectfully requested.

In paragraph 21 of the Office Action, the Examiner rejected claims 10, 11, 15, 16, 18, 27, 38, 41-44 and 46 under 35 U.S.C. § 103(a) as being unpatentable over Hunzinger in view of Feder in view of Agre. The Examiner cited Agre for disclosing a mobile service selection system wherein the selection step is performed with user interaction. However, the combination of Hunzinger, Feder and Agre still fails to teach or suggest the invention as recited in amended independent claims 1 and 33, wherein both cost and capabilities to meet the communication device's combined requirements are considered in the access point selection. Claims 10, 11, 15, 16, 18, and 27 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Likewise, claims 38, 41-44 and 46 depend from amended claim 33 and recite further limitations in combination with the novel elements of claim 33. Therefore, the allowance of claims 10, 11, 15, 16, 18, 27, 38, 41-44 and 46 is respectfully requested.

In paragraph 27 of the Office Action, the Examiner rejected claims 14, 17, 23 and 45 under 35 U.S.C. § 103(a) as being unpatentable over Hunzinger in view of Feder in view of Agre, and further in view of Harris. However, the combination of Hunzinger, Feder, Agre, and Harris still fails to teach or suggest the invention as recited in

Amendment - PAGE 12 of 14
EUS/J/P/05-9235

Attorney Docket No. P13966-US2
Customer Number 27045

amended independent claims 1 and 33, wherein both cost and capabilities to meet the communication device's combined requirements are considered in the access point selection. Claims 14, 17, and 23 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Likewise, claim 45 depends from amended claim 33 and recites further limitations in combination with the novel elements of claim 33. Therefore, the allowance of claims 14, 17, 23 and 45 is respectfully requested.

In paragraph 29 of the Office Action, the Examiner rejected claims 12, 13, 39 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Hunzinger in view of Feder in view of Agre, and further in view of Pinard. The Examiner cited Pinard for disclosing a method of selecting access points wherein requirements of the device are further based upon service/application requirements of the communication device. However, the combination of Hunzinger, Feder, Agre, and Pinard still fails to teach or suggest the invention as recited in amended independent claims 1 and 33, wherein both cost and capabilities to meet the communication device's combined requirements are considered in the access point selection. Claims 12 and 13 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Likewise, claims 39 and 40 depend from amended claim 33 and recite further limitations in combination with the novel elements of claim 33. Therefore, the allowance of claims 12, 13, 39, and 40 is respectfully requested.

In paragraph 32 of the Office Action, the Examiner rejected claim 52 under 35 U.S.C. § 103(a) as being unpatentable over Hunzinger in view of Feder in view of Vaara, et al. (US 6,321,083). The Examiner cited Vaara for disclosing a system which includes directions to a geographical area which is an intermediate position within communication range of two access points, which are to be used simultaneously. However, the combination of Hunzinger, Feder, and Vaara still fails to teach or suggest the invention as recited in amended independent claims 1 and 33, wherein both cost and capabilities to meet the communication device's combined requirements are considered in the access point selection. Claim 52 depends from amended claim 33 and recites further limitations in combination with the novel elements of claim 33. Therefore, the allowance of claim 52 is respectfully requested.

Amendment - PAGE 13 of 14
EUS/J/P05-9235

Attorney Docket No. P13966-US2
Customer Number 27045

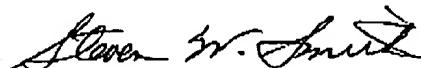
In paragraph 33 of the Office Action, the Examiner rejected claims 56 and 57 under 35 U.S.C. § 103(a) as being unpatentable over Grube, et al. (US 5,594,947) in view of Hunzinger in view of Feder. The Examiner cited Grube for disclosing a method of selecting access points wherein the environment is a heterogeneous transport environment and the application data is related to access technologies. However, the combination of Grube, Hunzinger, and Feder still fails to teach or suggest the invention as recited in amended independent claims 1 and 33, wherein both cost and capabilities to meet the communication device's combined requirements are considered in the access point selection. Claims 56 and 57 depend from amended claim 33 and recite further limitations in combination with the novel elements of claim 33. Therefore, the allowance of claims 56 and 57 is respectfully requested.

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-11, 13-38, and 40-57.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

Respectfully submitted,



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Amendment - PAGE 14 of 14
EUS/JP/05-9235